

House Bill 38

By: Representative Holmes of the 61<sup>st</sup>, Brooks of the 63<sup>rd</sup>, Thomas of the 55<sup>th</sup>,  
Bruce of the 64<sup>th</sup>, Heckstall of the 62<sup>nd</sup> and others

A BILL TO BE ENTITLED  
AN ACT

To amend Code Section 9-13-36 of the Official Code of Georgia Annotated, relating to transfer of execution upon payment, status of transferee, and recording necessary to preserve lien, so as to prohibit the sale of tax executions and to make the sale of such tax executions unlawful; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 9-13-36 of the Official Code of Georgia Annotated, relating to transfer of execution upon payment, status of transferee, and recording necessary to preserve lien, is amended by striking the Code section in its entirety and inserting in lieu thereof a new Code Section 9-13-36 to read as follows:

"9-13-36.

(a) Except as otherwise provided in subsection (b) of this Code section, whenever  
~~Whenever~~ any person other than the person against whom the same has issued pays any execution issued without the judgment of a court, under any law, the officer whose duty it is to enforce the execution, upon the request of the party paying the same, shall transfer the execution to the party. The transferee shall have the same rights as to enforcing the execution and priority of payment as might have been exercised or claimed before the transfer, provided that the transferee shall have the execution entered on the general execution docket of the superior court of the county in which the same was issued and, if the person against whom the same was issued resides in a different county, also in the county of such person's residence within 30 days from the transfer; in default thereof the execution shall lose its lien upon any property which has been transferred bona fide and for a valuable consideration before the recordation and without notice of the existence of the execution.

1 (b) Subsection (a) of this Code section shall not apply with respect to any execution issued  
2 for state, county, or municipal taxes or any execution issued by any tax commissioner, tax  
3 receiver, or tax collector."

4 **SECTION 2.**

5 This Act shall become effective upon its approval by the Governor or upon its becoming law  
6 without such approval.

7 **SECTION 3.**

8 All laws and parts of laws in conflict with this Act are repealed.